

City of La Habra

City Council Candidate Handbook

General Municipal Election

Tuesday, November 6, 2018



**Prepared by:
The City Clerk's Office**

The information enclosed provides an overview of certain requirements, but is not all inclusive. City staff cannot provide legal, accounting, or other professional advise or services for individual campaigns. Candidates are responsible for ensuring that they meet all the legal requirements of California Government Code, the California Elections Code, the City of La Habra Municipal Codes

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• Nomination Paper (to be issued by City Clerk)	
• Ballot Designation Worksheet	
• Candidate Statement Form (deposit of \$745)	
• Candidate Statement Agreement	
• Form 700 - Statement of Economic Interests and Instructions	
• Code of Fair Campaign Practices	

CERTIFICATION OF RECEIPT OF ALL NOMINATION MATERIALS NOTED ABOVE:

Name of candidate: _____
Date received: _____ Signature: _____



CITY CLERK

Dear Candidate:

This Handbook was created to provide an overview of the City of La Habra Election process and the responsibilities of candidates. It is not intended to be all-inclusive. My staff and I are eager to assist you if you have decided to run for Municipal Office or if you just have questions about the process.

The City Clerk is the City's Election Official, and the City of La Habra consolidates the election process through the County of Orange Elections Office. This means that the coordination of Election Day activities and processing of voter information materials will be completed by the Orange County Registrar of Voters Office (714) 567-7600. The Registrar's Office maintains THE voter registration database, and is responsible for: printing and mailing voter information guide, issuing vote-by-mail information guide, establishing and operating polling places, and tabulating all votes. You can also visit the County's web site for general information. <http://www.ocvote.com> Candidates work with the City Clerk in all matters related to their individual campaign, nomination, and filing requirements.

The City Clerk assists candidates in meeting their legal responsibilities before, during, and after an election. The City Clerk **cannot** provide legal interpretation or legal guidance on State rules or Local Ordinances. Candidates are encouraged to seek their own professional counsel and to review all source documents and State and applicable law governing election procedures. Final responsibility for any personal actions with respect to elections resides with the candidate.

Tamara D. Mason, MMC
City Clerk
Phone (562) 383-4030
Email tmason@lahabracityca.gov

Election Day: November 6, 2018

Office: Members of the City Council

Term: Four Years

Type: Non-Partisan, At Large

Filing Dates: July 16 through August 10, 2018

City Clerk Office Business Hours: 7:30 a.m. to 5:30 p.m. M-Th
and 7:30 a.m. to 4:30 p.m. alternating Fridays



REGULAR BUSINESS HOURS CITY CLERK'S OFFICE

MONDAY THRU THURSDAY

7:30 A.M. TO 5:30 P.M.

AND ALTERNATE FRIDAYS

7:30 P.M. TO 4:30 P.M.

City Hall closed on the following days for Election Period:

July 4 – 4th of July Holiday

July 13 – Closed Friday

July 27 – Closed Friday

****August 10 – Closed Friday (Last day to file)**

- *****NOTE: Even though City Hall normally closes every other Friday at 4:30 p.m., the City Clerk's Office will remain open on Friday, August 10 from 7:30 a.m. until 5:00 p.m.***

August 24 – Closed Friday

September 3 – Labor Day

September 7 – Closed Friday

September 21 – Closed Friday

October 5 – Closed Friday

October 19 – Closed Friday

November 2 – Closed Friday

November 12 – Veterans Day observance

November 16 – Closed Friday

November 22 – Thanksgiving Day

November 23 – Day after Thanksgiving

November 30 – Closed Friday

December 14 – Closed Friday

December *24/25 - January 1 - Christmas and New Year's Holiday

*City Hall may be closed December 24 for a half day or whole day, to be determined.

Name of candidate: _____

Date received: _____ Signature: _____



Getting Started

II. GETTING STARTED

1. ELIGIBILITY

You are eligible to run for office if you are:

- A United States citizen;
- 18 years of age or older;
- A resident of the City of La Habra; and
- A registered voter (no later than the issuance of nomination papers).

Any registered voter in the City of La Habra who meets the requirements outlined above can become a candidate for “Member of City Council” by completing and submitting the following election forms to the City Clerk of the City of La Habra.

2. LIST OF REQUIRED FORMS/FILING

1. Nomination Paper
2. Ballot Designation Worksheet
3. Statement of Economic Interest - FPPC Form 700
4. Candidate Intention Statement - FPPC Form 501
5. Candidate Statement Agreement

3. LIST OF OPTIONAL FORMS/FILING

1. Candidate Statement (200 words or less)
2. Candidate Statement deposit (\$745)
3. Code of Fair Campaign Practices

4. DEADLINE FOR SUBMITTING FORMS/FILING PERIOD

- The nomination period opens at **7:30 a.m. on Monday, July 16, 2018 and closes at 5:00 p.m. on Friday, August 10, 2018** (EC§10407 states “close of business,”*) ***NOTE:** Even though City Hall normally closes every other Friday at 4:30 p.m., the City Clerk’s Office will remain open on Friday, August 10 from 7:30 a.m. until 5:00 p.m.
- If an incumbent Councilmember(s) eligible for reelection does not file by **August 10**, the deadline will be extended for non-incumbent candidates to **5:30 p.m. Wednesday, August 15, 2018** (“close of business”) (EC§10407).
- The Candidate’s Statement of Qualifications may be withdrawn, but not changed, up until **Monday, August 13 at 5:30 p.m., or until August 16 at 5:30 p.m.** if nomination period is extended. (EC§13307(a)(3)).



Required Filings

III. REQUIRED FILINGS

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1. NOMINATION PAPERS

Nomination papers may be obtained from the City Clerk's Office beginning Monday, July 16, 2018, from 7:30 a.m. to 5:30 p.m. The Nomination papers must be signed and dated by the City Clerk at time of issuance and before they are circulated for signatures.

- Nominating Signatures – Nomination Papers must be signed by **not less than twenty (20) registered voters nor more than thirty (30) registered voters of the City of La Habra** (EC§10220). A nominee may sign his/her own Nomination Paper. Nomination Papers must include the signature and each signer shall add his or her place of residence on the form to be validated by the Orange County Registrar of Voter's Office. A voter may sign as many nomination papers as there are seats to be filled - two seats are open. If a voter signs more than the number of seats available, the additional signatures are disqualified (Elections Code §10220). Although the statutes require only 20 signatures, circulators are advised to collect additional signatures to allow for signatures that may be invalid.
- Supplemental Nomination Papers – If the nomination paper is determined to be insufficient or the candidate fails to obtain the correct number of valid signatures on his or her nomination paper, the City Clerk shall: retain the original nomination paper, provide a copy of the nomination paper to the candidate with an indication as to which signatures are valid, and issue one supplemental petition to the candidate on which the candidate may collect additional signatures. The supplemental petition shall be filed not later than the last day for filing for that office (EC§10221).
- Circulators – Nominees usually choose to circulate his/her own Nomination Paper but you may have a person of 18 years of age circulate your Nomination Paper (EC 102). **Only one person may circulate each Nomination Paper.** The circulator must execute a sworn statement, the "Affidavit of the Circulator" section of the Nomination Paper, that they witnessed all the signatures they secured and that each signature and each address was affixed by the person whose name appears on the Nomination Paper (EC§10222, EC§10226).
- Affidavit of Nominee and Oath or Affirmation of Allegiance – This section must be completed and signed by the nominee and attested to by a Notary Public or the City Clerk. **If you wish the City Clerk to witness the Affidavit, DO NOT sign the Affidavit until you file the Nomination Paper and you are in the presence of the City Clerk.**

2. BALLOT DESIGNATION WORKSHEET

The ballot designation appears on the ballot under a candidate's name. The candidate may choose not to have a ballot designation printed on the ballot. Each candidate who submits a ballot designation shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State. Ballot designations are strictly regulated by Elections Code Section 13107 and cannot be changed by the candidate after the final date for filing nomination papers, unless required by the City Clerk.

- The ballot designation worksheet must be filed at the same time as the Ballot Designation/Nomination Paper (EC§13107.3).
- In the event that a candidate fails to file a ballot designation worksheet, no designation shall appear under the candidate's name on the ballot.
- It is recommended that alternate ballot designations, ranked in order of the candidate's preference, be included in the worksheet in the event that the first choice is contested.
- It is the candidate's responsibility to justify the proposed designation and complete the form in its entirety.

BALLOT DESIGNATION GUIDELINES

The Ballot Designation (Elections Code §13107 and the California Code of Regulations §20710 in its entirety) is a brief description that candidates may provide to describe themselves on the ballot. The candidate must indicate the same Ballot Designation on both the Ballot Designation Worksheet and the Affidavit of Nominee and Oath, including capitalization and punctuation.

You may select as your ballot designation **one** of the following:

1. No more than **three words** designating the current principal profession(s), vocation(s), or occupation(s) of the candidate during the calendar year immediately preceding the filing of nomination documents; words separated by a "/".
 2. Words designating the elective office which the candidate holds at the time of filing the nomination documents to which he/she was elected by vote of the people and seek re-election for a new term.
 3. "Appointed [full title of public office]" if candidate currently serves by appointment in an elective public office and seeks election to a *different* office.
 4. "Incumbent" if the candidate is a candidate for the same office which he/she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people and seeks election to a new term.
 5. "Appointed Incumbent" if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office. If the candidate is a candidate for election to the same office or to some other office, he/she may use the word "appointed" and the title of the office. In either case, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- Hyphenated words that appear in any generally available standard reference dictionary published in the United States within ten calendar years preceding the election shall be counted as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - All California geographical names shall be counted as one word, e.g. "City of La Habra" counts as one word.
 - "Retired" is generally limited for use by individuals who have permanently given up their chosen principal professional, vocation, or occupation. Use of the word may not follow any word or words and may not be abbreviated.

- “Community Volunteer” constitutes a valid principal vocation or occupation if not engaged concurrently in another principal profession, vocation, or occupation; and candidate may not use in conjunction with any other designation.
- Attach any documents or exhibits that candidate believes support the proposed designation. If using the title of an elective office, attach a copy of Certificate of Election or Appointment.

Definitions:

- “Profession” means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. (Examples include, but are not limited to “attorney,” “physician,” “accountant,” “architect,” and “teacher.”)
- “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. (Examples include but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” and “cabinetmaker.”)
- “Occupation” means the employment in which one regularly engages or follows as the means of making a livelihood. (Examples include, but are not limited to “rancher,” “restaurateur,” “construction worker,” “computer manufacturing executive,” and “police officer.”)

Candidates are not required to use a ballot designation and may opt to leave the space blank.

Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party are improper, as such positions do not constitute elective office as specified in Elections Code §13107.

When multiple professions, vocations, or occupations are proposed as a ballot designation, they shall be separated by a slash (/). An example of an acceptable designation would be “Legislator/Rancher/Physician.” Any proposed multiple designations must comply with the three-word limitation.

Punctuation is limited to the use of a comma (e.g. “District Attorney, Orange County”) and a slash (e.g. “Homemaker/Rancher”).

UNACCEPTABLE BALLOT DESIGNATIONS

The City Clerk may not accept a designation of which any of the following would be true:

- It would mislead the voter.
- Pro forma profession, vocation, and occupation which by their nature are voluntary may include, but are not limited to, such pursuits as: honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
- It would suggest an evaluation of a candidate’s qualifications, honesty, integrity, leadership abilities, or character.

- It abbreviates the word "retired" or places it following any word or words which it modifies.
- It uses a word or prefix, such as "former" or "ex-," which would indicate a prior profession, vocation, occupation, or elected, appointed, or judicial office previously held by the candidate. The only exception is the use of the word "retired."
- It uses the name of any political party, whether or not it has qualified for recognized ballot status.
- It uses a word or words referring to a racial, religious, or ethnic group.
- It would make reference to a specific religious denomination. However, a candidate may use his or her clerical title as a ballot designation. (Examples include, but are not limited to "Rabbi," "Bishop," and "Deacon.")
- It refers to any activity prohibited by law.

EXAMPLES OF ACCEPTABLE BALLOT DESIGNATIONS

- Governing Board Member, La Habra City School District
- Investment Counselor
- Health Care Manager
- Appointed Incumbent
- Community Volunteer
- Businesswoman/Attorney/Councilwoman
- CPA/Parent
- Retired USAF Officer
- City Councilmember, City of La Habra
- City of La Habra Councilmember/Educator

EXAMPLES OF UNACCEPTABLE BALLOT DESIGNATIONS

Unacceptable	Reason
• Incumbent Mayor/Engineer	• "Incumbent" must be used as noun and alone
• City of La Habra Businessowner/Parent	• "Businessowner" is two words (Webster's Dictionary), thus exceeding the word limit
• Prominent Businesswoman	• Status
• Businessman, Father	• Slash marks must be used for punctuation
• Nonprofit Organization Founder	• Must be within past 12 months
• Republican Legislative Assistant	• No party affiliation can be mentioned
• Community Volunteer/Parent	• "Community Volunteer" must stand alone
• Victim Rights Advocate	• Suggests an evaluation of candidate's qualifications and is a status
• Former Councilmember	• Can't use "former" or "ex"
• Veteran	• Status
• Army General, Ret.	• "Retired" must appear before other words and not be abbreviated

3. STATEMENT OF ECONOMIC INTERESTS FPPC FORM 700

A Statement of Economic Interests Form 700 must be filed as a “Candidate” statement. Report investments, interests in real property, and business positions held on the date of filing your declaration of candidacy. In addition, disclose income (including loans, gifts, and travel payments) received during the 12 months **prior** to the date of filing your declaration of candidacy. (Refer to the instructions in Form 700 when completing.)

4. CANDIDATE INTENTION STATEMENT FPPC FORM 501

A candidate for local office must file this form for each election, including reelection to the same office. See Section VI Campaign Reporting Requirements for further details.

5. CANDIDATE STATEMENT AGREEMENT

A Candidate Statement Agreement must be signed and dated to indicate whether a Candidate Statement is submitted or not for inclusion in the voter’s pamphlet.



Optional Filings

IV. OPTIONAL FILINGS

1. CANDIDATE'S STATEMENT

Each candidate may prepare a Candidate Statement (Elections code § 13307) which may include the candidate's name and a brief description of education, experience, and other qualifications expressed by the candidate himself/herself. The Statement is published in the Voter Information Guide sent to each registered voter household, and is subject to Elections Code provisions and Orange County Registrar guidelines for publication.

The Statement must be filed at the same time that the candidate's nomination papers are filed.

The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period. § 13307. Withdrawal must be made in writing and addressed to the City Clerk by said deadline.

NOTE: Candidate Statements are required to be filed electronically as well as a printed copy. The Candidate Statement Form template is included on a jump drive with your candidate handbook to be used to save your statements electronically.

CONTENT

In addition to the restrictions set forth in Section 13307, any Candidate's Statement submitted pursuant to Section 13307 shall consist of no more than **200 words** and be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section (Elections Code §133080).

FORMATTING GUIDELINES

The Registrar of Voters office has a semi-automated system for Voter Information Guide input/layout of Candidate's Statement of Qualifications. Due to the volume of statements and printing deadlines, it is necessary to have a standardized format for candidates' statements. We have prepared the following guidelines to assist candidates in the preparation of their statements.

1. The following paragraph styles are acceptable with this system.

INDENTED PARAGRAPHS:

Xxxxx xxxxx xxxxxxxxxxx xxxxx xxxxx. X xxxx xx xxxxxxxxxxx xxxxxxxxxxx xxxxxxxxxxx xxxxxxx
xxxxxxxxxxx xx xxx xxxxx. Xxx xxxxx xxxxxxx xxxxx xx xx.

Xxxx xxxxxxxxx xx x x xxxxxxxxxxx x xxxxxx xxxxx. Xxx xxxxxx xxxxxx xxxxx xx xxx xxxxx xxx
xxxxxx. Xx xxxxx xxx.

BLOCK PARAGRAPHS:

Xxxxx xxxxxxx xxxxx. Xxxx x xx xxxx xxxxxxxxxxx xxx. Xxxx xxx xxx xxxxxxxxxxx. Xxxxxxx xx x
xxxxxxxx xx xx

xxxx. X xxx xxxxx xxx x xx xxx. Xxx xxx xxx xxxxxxx xxxxx xxx.

Xxx xxxxxx xxx. Xx xxx xxxxxxxx xxxxxx xxxxx. X xxx xxxxxx xxxxxx xxxxx xxx. Xxxxx
xxxxxxxxxxxxxxxxxx xx xx

x xx xxx xxx. Xxx xxxxx xxxxxxxxx xxxxx xxx. Xxx xxxxx xxxxxx xxxxxx xxxxxx.

DO NOT USE ANY PARAGRAPH/FORMAT STYLE OTHER THAN THOSE LISTED ABOVE.

2. All statements must be submitted on our form or typed or printed by automated equipment.

DO NOT PRINT ANY STATEMENT ON LINED PAPER.

3. NOTE: Name, age, and occupation lines are not included in the word count. Only the text is counted. **The words reflected in the “Occupation” field must follow the ballot designation guidelines.**

4. Do not underline or **bold** WORDS; words may NOT be all CAPITAL letters. §13307

5. Do not use *italics* or different type styles or type sizes to highlight portions of the statement. §13307

6. A 200-word statement must fit on one quarter of a voter information guide page. A 400-word statement must fit on a half page of the information guide. If your statement exceeds this limitation we will be forced to adjust your format to fit in the space allowed.

7. Do not use bullet points, stars, asterisks, or numbers that function as bullet points to off-set paragraphs. **Excessive number of paragraphs or block-indentation in a Candidate’s Statement may cause the statement to not fit in the allotted space even though the word count hasn’t exceeded the maximum number of words. If the statement does not fit into the box, you will be asked to edit your statement. Keep this in mind as you write and format your statement.**

8. You may block indent a paragraph as long as you do not use bullet points, stars, asterisks or numbers.

9. All statements are printed in the voter information guide with the following titles which are not included in the word count:

NAME OF CITY

TITLE OF OFFICE

Use these general guidelines to assist you in the preparation of your statement.

CHECK YOUR STATEMENT CAREFULLY FOR ERRORS IN SPELLING, PUNCTUATION, AND GRAMMAR BEFORE FILING. WITH THE EXCEPTION OF THE FORMATTING REQUIREMENTS, YOUR STATEMENT WILL BE PRINTED EXACTLY AS SUBMITTED.

WORD COUNT

Each word shall be counted as one word except as specified on this page. The following are the guidelines for computing the word count:

The title of the office, name, district, age, and occupation lines are not included in the word count -only the text is counted. For voter-nominated offices, the party preference line is also not included in the word count.

Punctuation marks are not included in the word count.

Symbols such as "&" (and), and "#" (number/pound)
are not considered punctuationeach symbol is counted as one word

Dictionary wordsone word

The words "a", "the", "and", and "an" are counted as individual words .

All proper nouns including geographical namesone word

Examples: County of Orange, Orange County, San Juan Capistrano, City of La Habra

Abbreviations - UCLA, U.C.L.A., PTA, P.T.A., USMC, U.S.M.Cone word

Acronymsone word

Regularly hyphenated words appearing in any generally available standard reference dictionary published in the United States within 10 years preceding the election. (Each part of all other hyphenated words shall be counted as a separate word)one word

Dates - all digits (4/8/98)one word

Words and digits (April 8,1998)two words

Whole numbers - Digits (1 or 10 or 100, etc.)one word

Spelled out (one or ten or one hundred)each word counts as one word

Proper names of persons and thingsone word

Gus Enright (one word); L.A. Basketball Team (one word)

Numeric combinations (1973, 18 1/2, 1971-73, 5%)one word

Monetary amounts (if the dollar sign is used with figures - \$1,000).one word

Spelled out (one thousand dollars)each word counts as one word

Telephone/fax numbersone word

E-mail and website addressesone word

If the text exceeds the word limit, the candidate must delete or change a sufficient number of words, or a sentence, to put the statement within the required word limit before the statement is filed. The candidate should correct any misspellings before the statement is filed. Other than formatting requirements, your statement will be printed as filed.

The submitted statement must be typed. No word will be printed in "ALL CAPS", bolding or underlining. Do not use bullet points, stars, asterisks, or numbers that function as bullet points to block-indent paragraphs. However, you may block-indent within the paragraph without using bullets, etc. See "Candidate's Statement Formatting Guidelines" for more information.

The scanning equipment used by the Registrar of Voters' office to produce camera ready copy for Voter's Pamphlet printing has some limitations; therefore, the style of a Candidate's Statement of Qualifications must conform to the sample you are given.

CONFIDENTIALITY

A Candidate's Statement:

- remains confidential until the filing deadline expires; but
- becomes a record accessible to the public after the filing deadline.

The City Clerk makes copies of candidates' statements available for public inspection in the City Clerk's Office per Elections Code § 13313. Per Elections Code Section 13313, a period of 10 calendar days shall be provided for the public examination of Candidate Statements.

- August 11 – 20, 2018, is the Public review period for statements filed through August 10.
- August 16 – 25, 2018, is the Public review period for statements filed during the extended filing period.

During this public inspection period of 10 calendar days, any voter of La Habra or the City Clerk may seek court action to require any or all candidates' statements be amended or deleted. This shall be based on convincing proof: a) that the material in question is false, misleading, or inconsistent with the requirements of the Elections Code; and b) that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

2. CANDIDATE'S STATEMENT DEPOSIT/ESTIMATED COST

The Federal Voting Rights Act requires Orange County cities to translate and print Candidate Statements in English, Spanish, Chinese, Korean, and Vietnamese. A separate Voter's Pamphlet is printed in each language and made available to any registered voter upon request. The estimated cost provided by the County Registrar for filing a Candidate's Statement of Qualifications is **\$745**. The City Clerk has been authorized by the City Council, per City of La Habra Resolution No. 5844, to recover the relating cost.

Candidates filing a statement must pay in advance **a deposit of \$745** as a condition of having his or her Statement included in the Voter Information Guide. When actual costs are computed by the County Registrar, all candidates will be notified by the City Clerk and either refunded or billed for the difference in actual costs.

INDIGENT STATUS

Any candidate alleging to be indigent (Elections Code § 13309) and unable to pay the requisite fee in advance may submit a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance. The statement of financial worth form shall be furnished by the City Clerk, and may include questions relating to the candidate's employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall also sign a release form for the candidate's most recent federal income tax report.

3. CODE OF FAIR CAMPAIGN PRACTICES – VOLUNTARY (EC§20440)

This optional document encourages ethical behavior by candidates running for public office. The City Clerk is required by the Elections Code to provide candidates with a blank Code of Fair Campaign Practices form and a copy of the Elections Code sections pertaining to the Fair Campaign Practices Code. The intent of the legislature in approving this chapter in the Elections Code is to encourage every candidate for public office to subscribe to the Code of Fair Campaign Practices, and follow the basic principles of decency, honesty, and fair play in order that after vigorously contested, but fairly conducted campaigns, the citizens may exercise their constitutional right to vote.

4. STATEMENT OF ORGANIZATION FPPC FORM 410

The Form 410 must be filed within 10 days of receiving \$2,000 in contributions. When filing the Form 410, include a \$50 payment made payable to the Secretary of State. If your committee has not yet reached the \$2,000 threshold, mark the “not yet qualified” box. The \$50 fee is requested at this time but is not legally required until the group qualifies as a committee.



City and Government Code Sections

V. CITY AND GOVERNMENT CODE SECTIONS

1. CITY OF LA HABRA RESOLUTION NO. 5844

RESOLUTION NO. 5844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018.

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS.

That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of La Habra on November 6, 2018, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description, of no more than two hundred (200) words, of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition to these restrictions, pursuant to Section 13308, any candidate statement submitted shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The City Clerk shall not cause to be printed, posted on an Internet Web site, or circulated any statement that the City Clerk determines is not so limited or that includes any reference prohibited by this section. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the County of Orange . The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Korean, and Vietnamese.

- B. The County will mail separate voter information guides and candidates statements in Spanish, Chinese, Korean, and Vietnamese to only those voters who are on the county voter file as having requested a voter information guide in a particular language. The County will make the voter information guides and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

SECTION 3. PAYMENT.

- A. The candidate shall be required to pay for the cost of printing the candidate's statement in English.
- B. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) of Section 2 above pursuant to State and or Federal law.
- C. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including the costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. ADDITIONAL MATERIAL. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That all previous resolutions establishing City Council policy on payment for candidate's statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 6, 2018, and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 4th day of June, 2018.



Tim Shaw, Mayor

Attest:



Tamara D. Mason, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Tamara D. Mason, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 5844 introduced and adopted at a Regular Meeting of the City Council of the City of La Habra held on the 4th day of June, 2018, by the following roll call vote:

AYES:	COUNCILMEMBERS:	BEAMISH, SHAW, ESPINOZA, BLAZEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	GOMEZ
ABSTAIN:	COUNCILMEMBERS:	NONE

Witness my hand and the official seal of the City of La Habra this 4th day of June, 2018.



Tamara D. Mason, MMC, City Clerk

2. CODE OF FAIR CAMPAIGN PRACTICES

Required to be given to candidate

CODE OF FAIR CAMPAIGN PRACTICES

(Division 20, Chapter 5, Elections Code.)

Chapter 5. Fair Campaign Practices

Article 1. General Intent

20400. The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

Article 2. Definitions

20420. As used in this Chapter, "Code" means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure, as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with § 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the Code shall read, as follows: (See "CODE OF FAIR CAMPAIGN PRACTICES" on reverse side).

20442. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

Required to be given to candidate. Optional to be signed and returned.

3. LITERATURE AND MASS MAILING REQUIREMENTS *(Required to be give to candidate)*

LITERATURE REQUIREMENTS

§ 16, Elections Code

A copy of Section 84305 of the Government Code shall be provided by the elections official to each candidate or his or her agent at the time of filing the declaration of candidacy and to the proponents of a local initiative or referendum at the time of filing the petitions.

MASS MAILING REQUIREMENTS

§ 84305, Government Code

(a) (1) – Except as provided in subdivision (b) a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the candidate's, candidate controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84502 unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the committee's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) (1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

(d) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

(e) For purposes of this section, the following terms have the following meaning:

(1) “Mass electronic mailing” means sending more than two hundred substantially similar pieces of electronic mail within a calendar month.

(2) “Sender” means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84217, inclusive.

(3) To “pay for” a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, or commissions, or (B) as a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(f) This section does not apply to a mass mailing or mass electronic mailing that is paid for by an independent expenditure.

*Note: for Form see Section “IX Election Forms”

PENAL PROVISIONS - ELECTION CAMPAIGNS

§ 18303, Election Code

Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

§ 91000, Government Code

(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

§ 91001, Government Code

(a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the commission.

(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.

DEFINITION OF MASS MAILING

§ 18435, California Code of Regulations

(a) A “mass mailing” has been made when over two hundred substantially similar pieces of mail have been sent within a calendar month.

(b) The sender, as used in Government Code Section 84305, is the candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable under Government Code Sections 84200 through 84217.

(c) The identification required by Section 84305 must be preceded by the words “Paid for by.” These words must be presented in the same size and color as the identification required by Section 84305, and must be immediately adjacent to and above or immediately adjacent to and in front of the required identification unless otherwise specified by statute.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82041.5 and 84305, Government Code.

§ 18435.5, California Code of Regulations

(a) Section 84305.5 requires a slate mailer to identify the slate mailer organization or committee sending the slate mailer, and to designate by an asterisk (*) each candidate and each ballot measure supported or opposed in a slate mailer for which payment of \$100 or more has been received by the organization or committee (either from the candidate, ballot measure committee, or from any other person “at the behest” of a candidate or ballot measure committee as defined in Regulation 18225.7).

(b) To ensure that it is easily legible, the Notice to Voters required by Section 84305.5 shall appear with a reasonable degree of color contrast between the background and the statement and must appear on a plain background, not superimposed over an illustration or a patterned background. Examples of a reasonable degree of color contrast that would meet the standard required by Section 84305.5 are when the disclaimer is printed in black text on a white background or a similar degree of color contrast between the background and the text of the disclaimer.

(c) Slate Mailers in Multiple Languages. The Notice to Voters in a slate mailer shall appear in English. In addition, if all or a significant portion of the slate mailer appears in a language other than English, the Notice to Voters must also appear in that language.

(d) In addition to applying to slate mailers sent by traditional mail, the slate mailer identification and disclaimer requirements of Section 84305.5 apply to slate mailers distributed electronically.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84305.5, Government Code.

4. [POLITICAL ADVERTISING DISCLAIMERS AND SUMMARY SHEET](#)

California Fair Political Practices Commission Political Advertisement Disclaimers

Under California's Political Reform Act (the "Act"), committees must include "paid for by" disclaimers on campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. The questions below relate to disclaimer requirements for committees that purchase advertisements or circulate communications supporting or opposing a state or local candidate or ballot measure in California. This fact sheet is informational only and contains only highlights of selected provisions of the law. It does not carry the weight of the law. For further information, consult the Act and its corresponding regulations, advice letters and opinions.

Who Must Use a Disclaimer?

A candidate's campaign committee, a political action committee, a ballot measure committee, a political party committee, a major donor, and a person or entity making independent expenditures on candidates or ballot measures in California are all types of committees that are subject to disclaimer rules. In general, a person or entity qualifies as a *committee* under the Act if they receive contributions from others for political purposes of \$2,000 or more per year; if they make independent expenditures on California candidates or ballot measures of \$1,000 or more per year; or if they make contributions to California candidates or ballot measures of \$10,000 or more per year.

General Questions

1. Q. What is an advertisement?
 - A. An advertisement is a communication that is made for the purpose of supporting or opposing a candidate or ballot measure. Advertisements include mass mailings (including emails), paid telephone calls, newspaper, radio and television ads, billboards, yard signs, and electronic media ads.
2. Q. What is a disclaimer?
 - A. A "disclaimer" is the portion of a political message that identifies the person or entity who paid for or authorized the communication. "Paid for by *committee name*" is the basic disclaimer required by the Act on most campaign communications sent by a *committee*.
3. Q. Are the Act's disclaimer rules the same for all committees and all ads?
 - A. No. Basic disclaimer rules apply to campaign materials disseminated by a candidate for their own election campaign because it is generally clear to the public that the candidate is sending the communication. Stricter disclaimer rules apply to ballot measure advertisements and independent expenditure advertisements on candidates and ballot measures, because it is less clear to the public who is responsible for these ads.

4. Q. Must a disclaimer appear on ALL printed materials or campaign items?

A. No. A disclaimer is not required on the following items:

- Campaign buttons smaller than 10 inches in diameter, pins, bumper stickers smaller than 60 square inches, and magnets
- Pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed
- T-shirts, caps, hats, and other articles of clothing
- Skywriting and airplane banners
- Committee checks and receipts
- An electronic media communication for which inclusion of the disclosures required by the Act is impracticable or would severely interfere with the committee's ability to convey the intended message because of the nature of the technology used to make the communication

5. Q. What must the disclaimer state?

A. The basic disclaimer must state: "Paid for by *committee name*." In most cases, any recipient committee except a candidate committee or a political party committee must also list top three contributors of \$50,000 or more. An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."

6. Q. How must the disclaimer appear?

A. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible. **Specific requirements for color contrast, font, print size and time appearing on screen or read during a telephone or radio advertisement are listed in FPPC disclaimer charts.**

7. Q. If a committee's top contributor changes, must advertisement disclaimers be updated?

A. Yes. Television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. Print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.

8. Q. What are the rules for disclaimers on communications in a language other than English?
- A. Disclaimers on political advertisements must be written or spoken in the same language used in the advertisement, except for the name of the committee and the top contributors to the committee, if any.
9. Q. Must a disclaimer appear on communications from an organization to its members?
- A. For political party communications, yes. For communications from other organizations to their members, a disclaimer is not required.

Mass Mailing Questions

10. Q. On mass mailings, what must the disclaimer state?
- A. A mass mailing – over 200 substantially similar pieces of mail – must include on the outside of the envelope: “Paid for by” and the name and address of the candidate or committee sending the mailing.

If a mass mailing is paid for by more than one candidate or committee, the name and address of the candidate or committee who is paying the greatest share of the mass mailing (including costs for designing, postage, and printing) must be placed on the outside of each piece of mail. If two or more candidates or committees pay equally for the mailer, the name and address of at least one of the candidates or committees must be shown on the outside, and the names and addresses of all candidates or committees paying for the mailer must appear on at least one insert.

11. Q. On emails, what must the disclaimer state?
- A. When over 200 substantially similar emails are sent by a candidate or committee, the email must include “Paid for by and the committee name.” The committee’s street address is not required on mass emails sent by a committee, but may be included.

Advertising Issues Not Under FPPC’s Jurisdiction

12. Q. What are the rules about when and where political signs may be placed?
- A. The Act does not contain rules about when and where signs may be placed. You may visit the [California Department of Transportation website](http://www.fppc.ca.gov) for information about the State Outdoor Advertising Act and additional restrictions on political sign placement. You should also check with your local jurisdiction as there may be local laws that restrict or prohibit the placement of campaign signs at certain times and in specified places.

13. Q. Can the FPPC check the truth or accuracy of the political communication?

A. No. The Act does not regulate the truth or accuracy of the content of political communications. You may wish to call the Secretary of State's Investigative Services Unit at (916) 653-4245 for information on how to file a complaint.

14. Q. Where can I get information about the National Do Not Call Registry?

A. For information about the National Do Not Call Registry, administered by the Federal Trade Commission (FTC), go to www.donotcall.gov.

Political Advertising Disclaimers

1. Communications by Candidate Committees for their own Election

The disclaimer must include, unless otherwise noted: "Paid for by *committee name*"

Examples: "Paid for by Jones for Assembly 20XX"
"Paid for by Friends of Smith for Mayor 20XX"

Communication	Disclaimer and Manner of Display
All mass mailings – more than 200 substantially similar pieces of mail sent within a calendar month	<ul style="list-style-type: none"> • Candidate's committee name and address (on file with Form 410) on outside of mailing (if no Form 410 on file, use candidate's name and address) • "Paid for by" must be in the same color and font as the committee name and address and immediately in front of or above the name and address • If sent by more than one candidate or committee: <ul style="list-style-type: none"> o Also on at least one insert in the mailing • No less than 6-point type and in a contrasting print or color • Return envelopes (if included in solicitation) – committee's name, address and ID number are recommended but not required
All mass electronic mail – more than 200 substantially similar emails sent within a calendar month	<ul style="list-style-type: none"> • "Paid for by [name of candidate or committee]" must be in at least the same size font as a majority of the text (no address is required on mass electronic mailings)
Newspaper ads	<ul style="list-style-type: none"> • Refer to the Elections Code for newspaper ad disclaimer requirements

Candidate Committee Communications for their own Election

Communication	Disclaimer and Manner of Display
Telephone calls advocating candidate's own election - 500 or more calls similar in nature and made by: <ul style="list-style-type: none"> Vendors ("robo" calls) or Paid individuals other than the candidate, campaign manager or volunteers 	<ul style="list-style-type: none"> Must identify the candidate's committee that authorized or paid for the call or an organization authorizing the call that files campaign reports Must state that the call is "paid for by" or "authorized by" the identified candidate or organization <ul style="list-style-type: none"> <i>Examples: This call was paid for by Senator Jones; This call was authorized by [name of committee]</i> Any time during the call No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers
Radio and television ads	<ul style="list-style-type: none"> Radio: "Paid for by" followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement Television: "Paid for by" followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen
Electronic Media ads (Websites, blogs, Twitter feeds, social media pages – e.g., Facebook)	<ul style="list-style-type: none"> "Paid for by committee name" and committee ID number are recommended but not legally required
Billboards, signs (including yard signs), faxes, business cards, door hangers, flyers, and posters	<ul style="list-style-type: none"> "Paid for by committee name" and committee ID number are recommended but not legally required

The information on this chart does not carry the force of law. If there are any discrepancies between the chart and the Act or its corresponding regulations and opinions, the Act and its regulations and opinions will control. Communications made by a candidate to support or oppose a ballot measure or other candidates are not addressed in this chart.

References: [Government Code Sections: 82041.5, 84305, 84310, 84502, 84504.2, 84504.3, 84504.4](#)
[Title 2 Regulations: 18435, 18440](#)

5. BALLOT DESIGNATION ELECTION CODED AND CALIF. CODE OF REGULATIONS

For your reference, the relevant provisions of the Elections Code section are reproduced below:

EC § 13106. No Title or Degree.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name.

EC § 13107. Ballot Designation Requirements

(a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

- (1) It would mislead the voter.
- (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

- (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
 - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
 - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
 - (6) It uses a word or words referring to a racial, religious, or ethnic group.
 - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.
- (1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).
 - (2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.
- (e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

EC § 13107.3 Ballot Designation Worksheet in format prescribed by Secretary of State

- (a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.
- (b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.
- (c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

EC § 13107.5. Ballot Designation of "Community Volunteer"

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
 - (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
 - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

- (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

For your reference, California Code of Regulations 2CCR 20710-20719 is reproduced below:

Required to be given to candidate

CCR § 20710. General Provisions.

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code s 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code s 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code s 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code s 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.
- Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20711. Ballot Designation Worksheet.

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code Section 13107, the candidate shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.
- (c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:
- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
 - (2) A designation of the office for which the candidate is seeking election;

- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(3), the candidate shall indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at Section 20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.
- (d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.
- (e) If a candidate requests a change of his or her ballot designation pursuant to Elections Code Section 13107(e), that request shall be accompanied by a Ballot Designation Worksheet.

CCR § 20712. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1), shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.

(b) In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1).

(d) Proposed ballot designations indicating a position of legislative leadership or leadership in another elected body, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," "City of Orange Mayor Pro Tem," and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, subject to the three-word limit, be considered under the provisions of § 13107(a)(3). Examples of acceptable ballot designations under this section include, but are not limited to, "Assembly Minority Leader," "California Assembly Speaker," and "Mayor Pro Tem."

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code § 13107, subdivision (a)(1).

Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20713. Proposed Ballot Designations Submitted Pursuant to Elections Code s 13107, Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code s 13107, subdivision (a)(2), shall be subject to the following provisions:

(a) A proposed ballot designation submitted pursuant to Elections Code s 13107, subdivision (a)(2), is limited "incumbent," as that term is defined in Elections Code s 13107, subdivision (a)(2).

(b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code s 13107, subdivision (a)(2), shall be entitled to use the ballot designation "Incumbent."

(c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to Elections Code s 13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20714. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(3), shall be subject to the following provisions:

(a) The terms “profession,” “vocation,” or “occupation,” as those terms are used in Elections Code § 13107, subdivision (a)(3), are defined as follows:

(1) “Profession” means a field of employment requiring special education or skill and requiring knowledge of a particular discipline. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a “profession,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “attorney,” “physician,” “accountant,” “architect,” and “teacher.”

(2) “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a “vocation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” “plumber,” “electrician,” and “cabinetmaker.”

(3) “Occupation” means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an “occupation,” as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, “rancher,” “restaurateur,” “retail salesperson,” “manual laborer,” “construction worker,” “computer manufacturing executive,” “military pilot,” “secretary,” and “police officer.”

(b) “Principal,” as that term is used in Elections Code § 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term “principal” precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

(1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her “principal” professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.

(2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her “principal” professions, vocations or occupations if (i) the candidate's licensure status is “inactive” at the time the candidate files his or her nomination document, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.

(c) In order for a ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation

or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations in this Chapter.

(d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

(e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

(1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code § 13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

(3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

(f) Pursuant to Elections Code § 13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three-word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

(2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

(3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code § 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento. Examples of designations containing a special district or political subdivision that are not geographical names include "Butte County Rural Fire District Captain," "Huntington Beach Unified School District President," and "South Bay Irrigation District Director."

(4) An acronym shall be counted as one word.

(g) A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3),

but that ballot designation shall be limited to no more than three words. Examples of acceptable designations under this section include “State Senator/Rancher,” “California Assemblywoman/Attorney,” “County Supervisor/Teacher,” and “State Controller/Businessman.” Examples of unacceptable designations under this section include “Assemblyman, 57th District/Educator,” “California State Senator/Architect,” “Placer County Supervisor/Business Owner,” and “Member, Board of Equalization/Banker.”

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 9 and 13107, Elections Code.

CCR § 20714.5. “Community Volunteer.”

(a) “Community Volunteer” means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

- (1) A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);
- (2) A governmental agency; or
- (3) An educational institution.

(b) The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate within the meaning of subdivisions (a) and (b) of section 20714 of this Chapter.

Note: Authority cited: Section 12172.5, Government Code; and Section 13107.5(b), Elections Code. Reference: Sections 13107 and 13107.5, Elections Code; and Section 501(c)(3), United State Internal Revenue Code.

CCR § 20715. Proposed Ballot Designations Submitted Pursuant to Elections Code s 13107, Subdivision (a)(4).

(a) Pursuant to Elections Code s 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase “appointed incumbent” if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.”

(b) Pursuant to Elections Code s 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word “appointed” in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word “appointed.”

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code s 13107, subdivision (a)(4).

Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20716. Unacceptable Ballot Designations.

(a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with Elections Code § 13107, subdivision (a); is prohibited pursuant to Elections Code § 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.

(b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):

(1) Avocations: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work (except as set forth in Section 20714.5 of this Chapter), and matters pursued as an amateur.

(2) Pro Forma Professions, Vocations and Occupations: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated, except as set forth in Section 20714.5 of this Chapter. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.

(3) Statuses: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, veteran, proponent, reformer, scholar, founder, philosopher, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

(e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "senior," "emeritus," "specialist," "magnate," "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

(f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

(g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the

candidate. Such impermissible words or prefixes include, but are not limited to, “Ex-,” “former,” “past,” and “erstwhile.” Examples of impermissible designations include “Former Congressman,” “Ex-Senator,” and “Former Educator.”

(h)(1) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word “retired” in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation.

(2) In evaluating a proposed ballot designation including the word “retired,” the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term “retired”:

(A) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;

(B) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;

(C) The candidate has reached at least the age of 55 years;

(D) The candidate voluntarily left his or her last professional, vocational or occupational position; and,

(E) The candidate's retirement benefits are providing him or her with a principal source of income.

(3) If a candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office. If such a candidate did not voluntarily retire from public office, he or she may not use the word “retired” in his or her ballot designation.

(4) A candidate may not use the word “retired” in his or her ballot designation if that candidate possesses another more recent, intervening principal profession, vocation, or occupation.

(i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.

(j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

(1) The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.

(2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., “Rabbi,” “Pastor,” “Minister,” “Priest,” “Bishop,” “Deacon,” “Monk,” “Nun,” “Imam,” etc.)

(k) Pursuant to Elections Code § 13107, subdivision (b)(7), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20717. Requests for Supporting Documentation.

In addition to the Ballot Designation Worksheet required to be filed with the Secretary of State pursuant to Elections Code § 13107.3 and § 20711 of this Chapter, the Secretary of State may

request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials in and the rendering of a final decision on the candidate's proposed ballot designation.

(b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

(c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code § 13107 and this Chapter.

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 13107 and 13107.3, Elections Code.

CCR § 20718. Communication of Decisions Regarding Ballot Designations.

(a) If a candidate's proposed ballot designation has been rejected, an official copy of the decision of the Secretary of State will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.

(b) At the request of the candidate, the Secretary of State will transmit a copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission or e-mail to the facsimile number or e-mail address listed on the candidate's Ballot Designation Worksheet.

(c) All written decision of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

Note: Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

CCR § 20719. Service of Legal Process Regarding Ballot Designations.

(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State to accept service of process on behalf of the Secretary of State.

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.

(c) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

(d) The Secretary of State shall be named as a respondent in any legal action pertaining to a ballot designation for a candidate described in Elections Code § 15375, except for a candidate for judge of the superior court.

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 13107 and 13314, Elections Code.

6. POLL WATCHING GUIDELINES FOR ELECTION DAY

The election process is a public affair and anyone who wishes may observe. However, the vote of the individual citizen is secret, and no one may interfere with a voter's right to cast a secret ballot. Members of the precinct boards are sworn election officials of the County of Orange and have complete responsibility for conducting all phases of the election in their precinct. Certain standards are expected of observers:

- Poll watchers may not interfere in any way with the conduct of the election or with the vote count following the close of the polls. Any person who interferes with the election or with a voter is punishable by imprisonment in the state prison for 16 months or two or three years. **§ 18502**
- The election must be orderly. Do not talk in a loud voice, cause confusion, or congregate inside the polls. Do not ask to use the telephone or other facilities.
- The area between the official table and the voting booths is for voters only and may not be used as an observer post. **§ 14221**
- Poll watchers may not sit at the official table or handle any of the official voting equipment, supplies, or ballots. **§ 14223**
- Poll watchers may not wear candidate badges, discuss candidates, how a voter voted, or bring any campaign material into the polling place. This constitutes electioneering and is illegal. Electioneering may not be conducted within 100 feet of a polling place. The term "100 feet of a polling place" means a distance of 100 feet from the room or rooms in which voters are signing the Roster-Index and casting ballots. The blue "POLLING PLACE 100'" signs which are posted outside, indicate the 100 foot boundary for electioneering. Violation of this section is a misdemeanor. **§ 18370**
- No one may be within 100 feet of a polling place while wearing a firearm or a peace officer or security guard uniform except: (1) An unarmed uniformed guard or security personnel who is at the polling place to cast his/her vote; (2) A peace officer who is conducting official business in the course of his/her public employment or who is at the polling place to cast his/her vote; (3) A private guard or security personnel hired or arranged for by a city or county elections official; (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held. **§ 18544**
- The Precinct Board will attempt to respond to any reasonable, lawful requests from observers. The Registrar's office has instructed Precinct Officers to ask unruly poll watchers to leave, and to ask for assistance from the local law enforcement agency, if necessary.

7. LA HABRA MUNICIPAL CODE CHAPTER 5.12 – HANDBILLS

LHMC § 5.12.010 Purpose.

To protect the people against the nuisance of and incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as defined in Section 5.12.020(A), with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of the ordinance codified in this chapter are specifically declared to be as follows:

- A. To protect the people against the unlawful, fraudulent, and/or deceptive activities or operations of dissolute persons of criminal habits or tendencies, representing themselves as handbill distributors, by requiring the registration of all such handbill distributors, together with the names of their employers, and by regulating the business of handbills and advertising distribution through the imposition of reasonable license fees;
- B. To protect local residents against trespassing by handbill distributors upon the private property of such residents if they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;
- C. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills;
- D. To protect the people against the menace to their property during their absence therefrom due to the unlawful activities or operations of dissolute persons of criminal habits or tendencies, made aware of the absence of the people from their premises by the accumulation of advertising matter and handbills during such absence;
- E. To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver commercial and noncommercial handbills to all who are willing to receive the same. (Ord. 1613 § 1, 2002; Ord. 1612 § 1, 2002; Ord. 688, 1966)

LHMC § 5.12.020 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. “Commercial handbill” means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
 - 1. Which advertises for sale any merchandise, product, commodity or thing; or
 - 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
 - 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, where either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace,

safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such license is or may be required by any law of this state, or under any ordinance of this city; or

4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

B. "Handbill distributor" means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

C. "Newspaper" means and includes any newspaper:

1. Which has for its principal purpose the dissemination of local or telegraphic news and intelligence of a general character;

2. Which is printed and published at regular intervals;

3. Which is not distributed or circulated primarily for advertising purposes; and in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

D. "Noncommercial handbill" means and includes any printed or written material, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a commercial handbill or a newspaper as set forth in subsections A and C of this section.

E. "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.

F. "Private premises" means and includes any dwelling, house, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, hallway, or mailbox belonging or appurtenant to such dwelling, house, building or other structure, and any vacant lot or other private property.

G. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

H. Words singular in form may include the plural; any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter gender. (Ord. 688, 1966)

LHMC § 5.12.030 Distribution in public places.

It is unlawful for any person to deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any public place within this city; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or noncommercial handbill in any public place to any person willing to accept such noncommercial handbill. (Ord. 1768 § 1, 2016; Ord. 688, 1966)

LHMC § 5.12.040 Distribution on private premises contrary to expressed desire of occupant or owner.

A. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any private premises if the owner or occupant thereof has posted a “No Solicitation” sign in plain view at the premises; except that the handbills may be distributed personally to anyone present on the premises who is willing to accept the same.

B. Any handbill placed or deposited in or upon any private premises shall only be so placed or deposited if otherwise lawful under subsection A of this section and in such a manner that secures or prevents such handbill from being blown or drifted about such premises or elsewhere. (Ord. 1768 § 1, 2016; Ord. 1613 § 2, 2002; Ord. 1612 § 2, 2002; Ord. 688, 1966)

LHMC § 5.12.050 Distributors required to comply with chapter provisions.

It is unlawful for any person to engage in the business of a handbill distributor for hire, or for any person to distribute commercial or noncommercial handbills, without first complying with the terms of this chapter and all other relevant laws and regulations; provided, that nothing contained herein shall apply to any person advertising his or her business or activity upon his or her own premises if such business or activity is regularly established at a definite location in the city, and also if a license has been obtained therefor, if such license be required under the terms of any applicable law or ordinance. (Ord. 1768 § 1, 2016; Ord. 688, 1966)

LHMC § 5.12.060 Handbill distributor’s license—Required—Application.

Any person desiring to engage, as principal, in the business of distributing commercial handbills for hire shall make application to and receive from the director of finance, a handbill distributor’s license in the manner and for the period prescribed by the terms of this chapter and by all relevant provisions of the municipal code and ordinances. Such applicant shall make written application to the director of finance upon a form or forms provided for such purposes by the director of finance. Such form shall contain, among other things that may be required, the name and permanent address of the applicant, the name and address of their business (if any), a brief description of the nature of the business to be conducted and/or the goods to be sold by the applicant, the probable number of agents and employees to be engaged by applicant in the city, together with a request for a license for the period for which this applicant seeks to engage in such business. (Ord. 1768 § 1, 2016; Ord. 1613 § 4, 2002; Ord. 1612 § 4, 2002; Ord. 688, 1966)

LHMC § 5.12.070 Handbill distributor’s license—Revocation—Nontransferable.

Without excluding other just grounds for revocation, the city council, or city administrator, may revoke any handbill distributor’s license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with the intent to obtain a license by means of false or fraudulent representations, or for violation of this chapter, or any other grounds specified by law. Such application shall be accompanied by the fee provided for in Section 5.12.080. No license issued under this chapter shall be transferable; and if any such license shall be surrendered by the licensee therein named, or shall be revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of such fee. (Ord. 1768 § 1, 2016; Ord. 688, 1966)

LHMC § 5.12.080 Distributors license—Fee—Exemption.

License fees under the terms of this chapter and for any such purpose, shall be as set by resolution.

Provided, that persons acting for licensees, as agents or employees, in the distributing of any such handbills shall not be required to obtain a license or pay a fee, but each such person shall comply with each and all of the other provisions of this chapter, and be subject thereto. (Ord. 1768 § 1, 2016; Ord. 1213 §§ 2, 3, 1983; Ord. 688, 1966)

LHMC § 5.12.090 Exemptions.

The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in Section 5.12.020(C). (Ord. 1768 § 1, 2016; Ord. 688, 1966)

LHMC § 5.12.100 Existing ordinances not affected by chapter provisions.

The provisions of the ordinance codified in this chapter shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing solicitors, canvassers, hawkers, peddlers, transient merchants, or any person, using the public streets or places for any private business or enterprise, or for commercial sales, not covered in this herein. (Ord. 1768 § 1, 2016; Ord. 688, 1966)



Miscellaneous Information

VI. MISCELLANEOUS

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1. USE OF CITY SEAL

Note that Government Code Section 34501.5(a) (b) provides that any person who uses or allows to be used any reproduction or facsimile of the City Seal in campaign literature or a mass mailing with the intent to deceive the voters is guilty of a misdemeanor.

2. TEMPORARY POLITICAL SIGNS

In light of the City's beautification efforts and the need to protect public safety, it is our desire candidates comply with limitations intended to mitigate the proliferation of signs during the election. We would hope that the distribution and placement of temporary political signs will adhere to a spirit of cooperation and that the following information will serve to prevent potential problems or complaints.

The most popular places for the posting of signs are on utility poles, in the center islands of streets and along sidewalks. However, it is a violation of California Penal Code Section 556.1 and 591 to post signs on utility poles. We are also asking that signs not be posted anywhere in the public right-of-way in order to protect the public welfare. Signs posted in the public right-of-way can be a distraction to motorists, block line of sight, and could potentially pose a safety risk to handicapped individuals. **Posting on private property with permission of the owner, remains your best legal option.**

We request that signs not be posted until 30 days prior to the election (October 7, 2018), and should be removed within 10 days following the election (November 16, 2018).

The City of La Habra reserves the right to remove signs which are illegally posted, cause a potential hazard, or present a general nuisance. If City staff removes a sign, it will be held for no longer than 15 days following the election (November 21, 2018) after which it will be discarded. Removed signs can be retrieved at the City Public Works Yard, located at 621 West Lambert Road, until November 21, 2018:

- Monday through Thursday, 7:30 a.m. to 4:30 p.m.
- Fridays 7:30 a.m. to 3:30 p.m.

The Public Works Department can be reached at (562) 383-4170.

3. HANDBILL PERMIT

Handbill Permits are required in order to distribute campaign flyers by hand or door-to-door. Although you are not required to pay a fee to distribute political handbills or flyers, you are required to comply with each and all of the other provisions of the La Habra Municipal Code [Chapter 5.12](#). Handbill Permits may be obtained from the Finance Department cashier.

Please note that it is a violation of the La Habra Municipal Code to place flyers on cars or to place or deposit them in a public place. Campaign flyers can only be distributed in a public place by "handing" them to another person who is willing to accept the flyer. Handbills may be distributed upon private premises as long as they are secured or prevented from being blown away upon the premises (LHMC5.12.030)

4. MASS MAILING AND CAMPAIGN LITERATURE

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"Mass mailing" means over 200 substantially similar pieces of mail sent in a single calendar month. The Clerk is required by the Elections Code to provide each candidate with a copy of Government Code § 84305 which sets forth the requirements for mass mailing and is attached in this packet under City and Government Code Sections. Campaign literature not mailed (such as literature handed out at supermarkets) is not covered by the above regulations.

5. ELECTION NIGHT RESULTS

Orange County uses a central location for tallying votes. All ballots are tabulated in the Registrar of Voters Tally Center located at 1300-C South Grand Avenue, Santa Ana.

The vote counting procedure is open to public viewing. Unofficial results are available throughout the evening of the election in the Registrar of Voters office beginning at approximately 8:05 p.m. and continuing until all precinct ballots have been tallied. Results may also be obtained by visiting the ROV's web site <http://www.ocvote.com/> or calling the Registrar of Voters office at (714) 567-7600. Results will be updated throughout the evening. Historically, the County begins posting the tabulation of La Habra's precinct ballots around 11:30 p.m. on election night.

The County Registrar anticipates that election results will be officially certified on or before December 6, 2018 (EC§15372, 15401). Upon receipts of the results from the County Registrar, the La Habra City Council will certify its election results at the next regularly scheduled City Council Meeting or Special Meeting called for this purpose (EC§§10262, 10263)

6. SERVICES TO CANDIDATES OFFERED BY THE COUNTY

- **MAPS** – A set of precinct maps is located at the Orange County Registrar of Voters' office (ROV) on the public counter. If you wish to purchase maps of the district in which you are a candidate, you may call the ROV Map Unit at (714) 567-7586, and they will supply you with the information needed to order maps.
- **REGISTRATION FORMS** – For candidates and committees wishing to conduct registration drives to register voters, registration forms are available at the ROV from the Voter Registration Specialist. You may obtain the quantity of registration forms you deem necessary, upon availability. You will be asked to complete a Statement of Distribution form at the time the forms are issued to you. For further information, please call (714) 567-7569.
- **COMPUTER PRODUCTS** – Candidates may purchase the **Registered Voter File** on CD-ROM in text format from the ROV. The file is in alphabetical sequence and can be ordered with the names of all voters in Orange County, or just the voters in a particular city or district. Call (714) 567-7615 for more information. The ROV does not provide technical support.
- **INDICES (WALKING LISTS)** – All candidates are entitled to purchase indexes. These are printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name.

Each candidate may purchase up to two copies (sets) of indexes for his/her own use or the use of his/her committee. These may be a complete set, including all precincts within the district in which the candidate is running, or a partial set, including some of the

precincts in the district. Indexes sell for 50 cents per thousand names or portion thereof. Indexes may be ordered by filling out the proper form at the ROV or by writing a letter to the ROV, requesting indexes for a certain district. The cost of the product is payable in advance at the time the product is requested. For further information, please call (714) 567-7615.

The candidate must complete a written request form containing a signed declaration that the data purchased will be used only for election purposes.

Products are usually available within 3-4 days of placing the order (depending on job scheduling). For further information, please call (714) 567-7615.

- **VOTE-BY-MAIL BALLOT APPLICATIONS** – The Secretary of State shall prepare and distribute to appropriate elections officials (ROV) a uniform application format for a vote-by-mail voter's ballot which conforms to the requirements of section 3006. All individuals, organizations and groups who distribute applications for a vote-by-mail voter's ballot shall follow this format (**§ 3007**). If you choose to distribute applications for vote-by-mail ballots, you will be asked to complete a Statement of Distribution Plans before receiving a camera-ready copy of the application. You will be given a list of the application requirements and the Elections Code sections covering penal provisions.

7. [IRS TAX FILING REQUIREMENTS](#)

There may be potential tax filing obligations for political organizations under Section 527 – Political Organizations of the Internal Revenue Code. More details may be obtained from the IRS website under Charities & Non-Profits/Political Orgs at: www.irs.gov This information is being provided to candidates as a courtesy.



Campaign Reporting Requirements

VII. CAMPAIGN REPORTING REQUIREMENTS

1. CAMPAIGN FORMS SUMMARIZED

Listed below is a **SUMMARY** of the various campaign statements that are included in your candidate packet. These statements are provided to assist City Council candidates in completing the filing requirements of the State of California Political Reform Act (PRA). The Fair Political Practices Commission (FPPC) is the enforcement agency for the PRA.

It is very important that you and your treasurer carefully read the instructions attached to each form, and refer to **Campaign Disclosure Manual 2** for a complete explanation of your filing obligations, and treasurer's duties. This will ensure that you file appropriately and timely, and to avoid late filing fees.

CAMPAIGN LIMITS: State law does not impose limits on campaign contributions or expenditures for local elections, and there are no local ordinances which impose ceilings at this time.

All of the forms listed below can also be downloaded from the FPPC web site at www.fppc.ca.gov.

- **FORM 501 – CANDIDATE INTENTION STATEMENT**

Form 501 must be filed before any contributions are solicited or received, and before any campaign expenditures are made from personal funds on behalf of your candidacy. A new Form 501 must be filed for each election, even if you are running for reelection for the same office.

Incumbents: If you are seeking re-election to the same office, you are required to file an “Initial” Form 501 prior to raising or spending any money for the new election.

Where to file: City Clerk's Office.

- **FORM 410 - STATEMENT OF ORGANIZATION - RECIPIENT COMMITTEE**

If you receive contributions totaling \$2,000 or more during the calendar year, you then qualify as a “Recipient Committee.” A “contribution” includes monetary payments, loans and non-monetary goods or services. Personal funds (except those used to pay for a candidate statement) are counted towards the \$2,000 threshold.

You must file Form 410 within 10 days of reaching the \$2,000 limit in contributions. The Secretary of State will reject a committee's Statement of Organization (Form 410) that does not contain all the required information and an identification number will not be issued.

When filing the Form 410, include a **\$50 fee payment payable to the Secretary of State**. If your committee has not yet reached the \$2,000 threshold, mark the “not yet qualified” box. The \$50 fee is requested at this time, but is not legally required until the group qualifies as a committee. A \$50 fee is required to be paid to the Secretary of State by January 15th of each year until the committee terminates.

Incumbents: Officeholders who intend on seeking re-election may re-designate their bank account any time prior to receiving contributions in connection with re-election. You must file the Form 410 as an “Amendment” and note the November 6, 2018 Election date.

Where to file: The candidate is responsible for filing the original statement and one copy with the Secretary of State (address on form). Also file one copy with the City Clerk.

24-Hour Deadline for Amendments: If you qualify as a recipient committee during the **16 days** prior to the election date, you must file the Form 410 within 24 hours of qualifying. If you need to amend the information contained in the Form 410 during the 16-day period prior to the election, you must also file an amended Form 410 within 24 hours.

Where to file: In both cases, the original is filed with the City Clerk within 24 hours by fax, guaranteed overnight delivery, or personal delivery. In addition, an original and one copy is filed with the Secretary of State (within 10 days).

- **FORM 460 – RECIPIENT COMMITTEE CAMPAIGN STATEMENT**

This is the most common campaign reporting form used by candidates and their committees. This form must be used if the candidate has a controlled recipient committee, or has raised or spent or will raise or spend \$2,000 or more during the calendar year; or \$2,000 or more was raised or spent during the calendar year at the behest of the candidate. Be sure to refer to the Campaign Disclosure Manual 2 when completing each schedule of Form 460 (Chapter 8).

Note: Names and addresses of all contributors of \$100 or more must be reported on certain schedules of Form 460. In addition, if the contributor is an individual, his or her occupation and employer are required. If this information is not obtained, the contribution must be returned within 60 days. Form 460 must be amended within 70 days of the closing date of the period in which the contribution was disclosed.

Where to file: City Clerk's Office.

- **FORM 470 - CAMPAIGN STATEMENT - SHORT FORM AND SUPPLEMENT**

For use by candidates who do not have a controlled committee, and who do not anticipate receiving more than \$2,000 in contributions or spending \$2,000 or more during the calendar year. You may file Form 470 at the same time you file your nomination papers, or as a pre-election statement. No additional campaign statements will be required during the calendar year as long as the \$2,000 limit is maintained.

NOTE: A candidate's personal funds used specifically for the statement of qualifications (candidate statement printed in the sample ballot) is excluded from the \$2,000 threshold.

Where to file: City Clerk's Office.

SUPPLEMENT: A candidate who has filed a Form 470 and subsequently receives contributions totaling \$2,000 or more or makes expenditures totaling \$2,000 or more prior to the election, is required to file the Form 470 Supplement as written notification within 48 hours of reaching the \$2,000 threshold. The 48-hour notification must be sent by guaranteed overnight delivery service, personal delivery, or fax. REGULAR MAIL MAY NOT BE USED.

Where to file: Candidates are responsible for sending a copy of the supplemental Form 470 to the Secretary of State, the City Clerk, and to each candidate seeking the same office.

- **FORM 496 – 24-HOUR INDEPENDENT EXPENDITURE REPORT**

Filed by committees who make independent expenditures totaling \$1,000 or more to support or oppose a single candidate during the 90 days prior to or on the election date. See Form 496 for definition of "independent expenditure." (Chapter 10) A candidate's controlled committee for his or her election will likely not be filing independent expenditure reports because it is making direct campaign expenditures for the candidate's election to office.

Where to file: Within 24 hours of making the expenditure. File with the City Clerk by fax, overnight delivery, or personal delivery. REGULAR MAIL MAY NOT BE USED.

- **FORM 497 – 24-HOUR CONTRIBUTION REPORT**

A late contribution aggregating \$1,000 or more from a single source, and made during the 90 days prior to or on the election date must be reported within 24 hours of receiving or making a late contribution. See Form 497 for definition of “late contribution.” Contribution reported on the Form 497 must also be reported on the committee’s next Form 460. (Chapter 10)

Where to file: Within 24 hours of making the expenditure. File with the City Clerk by fax, overnight delivery, or personal delivery. REGULAR MAIL MAY NOT BE USED.

2. LIMITATIONS AND RESTRICTIONS ON GIFTS, HONORARIA, TRAVEL, AND LOANS

Candidates for City Council may not accept gifts from any single source totaling more than \$470 in a calendar year. The gift limit is \$470 effective January 1, 2017 and will remain in effect until December 31, 2018. Also, you may not accept honoraria payments. Refer to Fact Sheet for candidates for local office for details, including definitions for “gift” and “honorarium” under the Political Reform Act, and exceptions to the law (see insert under forms).

3. COMMITTEE TREASURER RESPONSIBILITIES

The Act requires every California committee appoint a treasurer before it raises or spends any money for an election. An assistant treasurer may also be appointed. Chapter 2 of Manual 2 describes the responsibilities of Committee Treasurers.

4. CAMPAIGN STATEMENT FILING SCHEDULE

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED	METHOD OF DELIVERY
Jul 31, 2018 Semi-Annual	460	* – 6/30/18	Personal delivery, or first class mail.
Within 24 Hours Contribution Reports	497	8/8/18 – 11/6/18	File by personal delivery, e-mail, guaranteed overnight service, fax or online, if available.
Sep 27, 2018 1st Pre-Election	460 or 470	7/1/18 – 9/22/18	Personal delivery, or first class mail.
Oct 25, 2018 2nd Pre-Election	460	9/23/18 – 10/20/18	Personal delivery, or first class mail.
Jan 31, 2019 Semi-Annual	460	10/21/18 – 12/31/18	Personal delivery, or first class mail.

Semi-annual and pre-election campaign statements of 30 pages or less may be faxed if the original statement is sent by first-class mail, guaranteed overnight delivery, or delivered personally within 24 hours of the filing deadline. Supplements, late contribution reports, and late independent expenditure reports are not required to be mailed if the reports are faxed because these reports do not require signatures.

5. FREQUENTLY ASKED QUESTIONS – CAMPAIGN ACTIVITY

California Fair Political Practices Commission

Frequently Asked Questions: Campaign Activity

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Communications.....	Page 7	24-Hour Contribution Reports...	Page 8
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The FAQs listed below are selected from questions people frequently ask the FPPC about campaign-related activity under the Political Reform Act ("Act"). All efforts have been made to provide helpful, easy to understand, answers to common questions. Please note that this fact sheet cannot address all of the unique variables and circumstances related to campaign activity. For more information, see the FPPC's campaign disclosure manuals or contact the FPPC with specific questions.

Getting Started Questions

1. Q. When must a committee file a Statement of Organization (Form 410) with the Secretary of State's office?
 - A. The Form 410 is required to be filed within 10 days of raising \$2,000 or more, which is the threshold for qualifying as a committee.
2. Q. Is it possible for a committee to receive a committee ID number prior to meeting the \$2,000 threshold?
 - A. Yes. The Secretary of State will issue a committee ID number upon receipt of the Form 410, even if \$2,000 or more has not yet been raised. The "Not Yet Qualified" box should be marked and once the \$2,000 threshold is met, an amendment must be filed within 10 days to report the date the committee qualified.
3. Q. Is there a fee to register as a committee?
 - A. Yes. Committees are required to pay a \$50 fee to the Secretary of State within 15 days of filing the Form 410. In addition, a \$50 fee is required to be paid to the Secretary of State by January 15 of each year until the committee terminates.
4. Q. Who must be identified on the Form 410?
 - A. The name and contact information of the treasurer and principal officers, if any, must be provided, in addition to any candidate controlling the committee. If the committee will have an assistant treasurer, his or her contact information must be also included.
5. Q. Are there any specific accounting qualifications for someone to serve as a committee's treasurer?
 - A. No. However, no individual should accept the position as a mere figurehead. To adequately perform the duties, the treasurer must have a basic understanding of the campaign finance laws and the responsibilities of a committee treasurer.

6. Q. May a candidate serve as his or her committee's treasurer?
- A. Yes.
7. Q. Who is considered the principal officer for a non-candidate controlled committee?
- A. The principal officer(s) is the individual or individuals responsible for approving the political activities of a committee, including: 1) authorizing the content of committee communications; 2) authorizing the committee's expenditures; and, 3) determining the committee's campaign strategy. The principal officer must ensure that accurate records are maintained and may be held liable for violations. A committee may have several principal officers. If there are more than three individuals serving as principal officers, only three must be identified on the Form 410. If no individual other than the treasurer is a principal officer, the treasurer must be identified as both the treasurer and the principal officer.
8. Q. After filing a Form 410, what is the next form required to be filed?
- A. Typically the Form 497 (24-Hour Contribution Report) is the next required form. In fact, the Form 497 may be required to be filed *before* the Form 410 is required if the committee qualifies within the 90 days before the election or on the date of the election. During this period, a committee must file a Form 497 within 24 hours each time it receives contributions that total in the aggregate \$1,000 or more from a single source.
9. Q. What are the requirements for naming a candidate's committee or a committee primarily formed to support or oppose a ballot measure?
- A. For a candidate's campaign committee, the name must include the candidate's last name, office sought, and year of the election. For example, "Wallace for Supervisor 2016" or "Re-Elect Rosa in 2016 for Water Board" would meet the naming requirements.
- For a primarily formed ballot measure committee, the name must include:
- The measure's designation (e.g., Proposition 124; Measure BB);
 - The committee's position (support or oppose) on the measure;
 - If sponsored, the name(s) of the sponsor(s) (e.g., "sponsored by the Auto Dealers Association");
 - If the committee has received \$50,000 or more cumulatively from a major donor, a name or phrase that identifies the economic or other special interest of the major donor;
 - If the committee has received \$50,000 or more from major donors with a common employer, the name of the employer of the major donors;
 - If the committee has received \$50,000 or more from a major donor who is a candidate or a candidate's controlled committee, the name of the candidate or the candidate's controlled committee.
- For a comprehensive list of all committee naming requirements, see the Form 410 instructions.
10. Q. May a committee use an electronic recordkeeping system or are records required to be kept on paper?

- A. Electronic records are permitted so long as all of the required information is collected and recorded in a timely and uniform manner that ensures the information is accurate and reliable. Committees are responsible for ensuring that electronic records can be read and/or printed for auditing purposes during the required retention period – four years from the date the campaign statement was filed.
11. Q. Is a committee required to have a tax ID number?
- A. The FPPC does not require a tax ID number; however, some banks may require one in order to open a campaign bank account. A tax ID number may be requested through the Internal Revenue Service website, www.irs.gov.

Ballot Measure Committee Questions

12. Q. A group has raised \$2,000 to circulate petitions for a ballot measure. When does the group trigger reporting obligations?
- A. Reporting obligations begin when proponents start gathering signatures (initiative) or when a legislative body acts to place the proposal on the ballot (referendum). Certain contributions received and expenditures made are required to be disclosed even if they were received or made before the proposal became a measure. (See Campaign Disclosure Manual 3 for details.)
13. Q. May a candidate control a ballot measure committee? If so, is the candidate required to file a Form 501 (Candidate Intention Statement)?
- A. Yes, a candidate may control a ballot measure committee so long as the committee's funds are not used to support the candidate's election or to support or oppose other candidates. The candidate's last name must be included in the committee name and the Form 410 requires specified information to be disclosed related to the measure or measures for which the committee is formed. A Form 501 is not required.
14. Q. Are there any special reporting requirements for ballot measure committees controlled by a candidate?
- A. Ballot measure committees controlled by a state officeholder (e.g., Governor, legislator) or a candidate for elective state office have additional disclosure requirements when reporting expenditures. For each expenditure of \$100 or more, the committee must identify the measure or potential measure associated with the expenditure. For example, a payment to a campaign consultant for research or polling on a specific measure in a local jurisdiction could state: Research/polling for Measure B, City of Sacramento. A committee's expenditures for operating costs, administrative overhead, fundraising, travel, compliance costs and attorney fees do not require the itemization if the payment cannot be attributed to a specific measure or potential measure.
15. Q. During the 90 days before an election, a local primarily formed ballot measure committee for Measure A made a \$10,000 contribution to another primarily formed ballot measure committee for Measure A. Does this contribution trigger the filing of a 24-hour Contribution Report (Form 497)?
- A. Yes, both committees are required to file a Form 497, even if they are both formed to support the same ballot measure.

16. Q. During the 90 days before an election, supporters of a ballot measure, in coordination with the primarily formed ballot measure committee, will be paying for phone banks. The payments will be considered nonmonetary contributions to the primarily formed ballot measure committee. Rather than file several reports, may the committee file one Form 497 estimating the value of all nonmonetary contributions anticipated to be received from this source during the 90-day period before the election and on the date of the election?
- A. Yes. The committee may make a good faith estimate of the value that will be contributed during the period. The Form 497 must be filed within 48 hours of receiving the initial \$1,000 in nonmonetary contributions. If the actual value differs from the estimated amount by 20 percent or more, an amendment must be filed within 24 hours of determining the correct amount.
17. Q. If a non-profit organization makes a contribution to a primarily formed ballot measure committee, what are the campaign reporting requirements for the non-profit organization?
- A. Depending on the amount of the contribution and several other factors, the organization may be required to register as a recipient committee and file campaign reports disclosing its donors or the organization may instead qualify as a major donor committee and be required to file the Form 461. To determine the applicable reporting requirements, see the detailed information in the [Multipurpose Organizations Reporting Political Spending fact sheet](#).

Fundraising Questions

18. Q. If a committee receives two monetary contributions of \$99 from one contributor, must the contributor be itemized?
- A. Yes. When a person's contributions, including monetary, non-monetary, and loans, aggregate to \$100 or more in a calendar year, the contributor must be itemized on the Form 460, Schedule A.
19. Q. A committee is hosting a dinner fundraiser. The committee is charging \$100 per person, but the actual cost of the event to the committee will be \$25 per person. When a person purchases a ticket to attend, what amount is considered as the contribution received?
- A. The contribution received is \$100. The entire cost of the ticket for the fundraiser is the amount of the contribution – the actual costs to the committee are not subtracted from the ticket price.
20. Q. A committee is going to charge \$50 per person at their next fundraiser. May an attendee pay with a \$100 bill?
- A. No. Even if change is immediately provided, a committee may not accept \$100 or more in cash from a single source. The payment must be made by personal check, debit card, or credit card.
21. Q. Is volunteer work provided by some people considered a nonmonetary contribution because of the volunteer's profession, such as free legal advice provided by a lawyer or bookkeeping done by a CPA?

- A. No. Volunteer personal services, regardless of the profession of the individual, are not reportable, so long as the individual providing the services is not paid by a third party.
22. Q. An individual is hosting a fundraising event in her home for a friend who is running for city council. She will spend \$425 to provide tea, coffee, wine, cheese, and fruit. Is the amount she pays for the event considered a nonmonetary contribution to the candidate?
- A. No. So long as she does not spend more than \$500, the event meets the home/office fundraiser exception. *Note:* The home/office fundraiser exception does not apply to a state lobbyist (or a cohabitant of a lobbyist) or a lobbying firm.
23. Q. May a private service, such as PayPal, be used to collect contributions electronically?
- A. Yes, so long as for each contribution of \$100 or more, (a) the service is able to provide the name of the contributor, and (b) the committee reports all the information needed to meet the statutory recordkeeping requirements, including the name, address, occupation, and employer of individual contributors of \$100 or more. Even if the company deducts a fee from the amount of the contribution, the entire amount of the contribution must be disclosed. The fees charged by the private service are reported as expenditures.
24. Q. May a committee accept a contribution in the form of bitcoins, a type of digital currency?
- A. The Commission has not yet formally addressed this issue. However, staff has done extensive research on the topic and recommends that committees not accept bitcoins or other digital currency as campaign contributions at this time. One of the main purposes of the Act is to allow the public and enforcement agencies to be able to accurately identify the true source of a campaign contribution. Given the anonymous nature of digital currency, which is rapidly developing and constantly evolving, there could be significant difficulties in establishing the true source of bitcoin donors. Donors may, nevertheless, convert bitcoins into U.S. dollars and contribute to a committee by personal check, or by credit card via the Internet if the committee has that option available, which the committee must deposit into their one bank account.
25. Q. If a committee receives a contribution of \$100 from an individual, but the individual did not provide the required occupation and employer information, what should the committee do?
- A. The individual contributor should be contacted to obtain the occupation and employer information. If the committee is required to report the contribution before the information is received, the committee should indicate on its campaign statement that the information has been requested and the statement will be amended when the information is received. However, if an individual's occupation and employer information is not received within 60 days of receiving the contribution, the contribution must be returned.
26. Q. A business donated the use of an employee to work on two ballot measure campaigns during the month before the election. The employee spent a total of seven percent of her compensated time working on one measure and seven percent of her compensated time on the other measure. Since more than 10 percent of her compensated time was not

spent on a single campaign, is her compensated time required to be reported as a nonmonetary contribution to the ballot measure committees from her employer?

- A. Yes. If an employee spends more than 10 percent of his or her compensated time working on campaign activity (one or multiple campaigns) in a calendar month, a nonmonetary contribution from the business must be reported. In this situation, each ballot measure committee must report a nonmonetary contribution in the amount of seven percent of the employee's compensated time. The value of the nonmonetary contribution is based on her gross salary; standard benefits (i.e., retirement and health care) do not need to be counted.
27. Q. If a committee receives a large contribution from an individual or entity, are there any special noticing requirements?
- A. Yes. Generally, if a committee receives a contribution of \$5,000 or more from an individual or entity, the committee must notify the contributor in writing *within two weeks* that he or she may need to file a major donor report. In the 90 days before an election, if a contribution of \$10,000 or more is received, the notification must be sent *within one week*. Language for the notice is found in the applicable campaign disclosure manual. An individual or entity qualifies as a major donor if contributions totaling \$10,000 or more are made in a calendar year to California (state and local) candidates and committees.

Expenditure Questions

28. Q. How does a committee report printing expenses of \$100 or more paid for with the committee's credit card?
- A. The name and address of the credit card company and the amount paid must be listed on Schedule E or F of the Form 460, and the printing vendor's name and address must be listed underneath with the amount paid to that vendor. Another example of "subvendor" reporting is when a campaign consultant purchases television advertisements, the names of the stations that air the advertisements must be listed. The campaign disclosure manuals contain examples of how to report subvendors on the Form 460.
29. Q. Is it permissible for a committee to have an agreement with an independent contractor (e.g., committee fundraiser) to pay additional money if fundraising goals are surpassed?
- A. Yes, under the Act, a contingency agreement may be made, such as a committee paying a bonus to a contractor if fundraising goals are met or a committee not paying a contractor unless a particular outcome is achieved. The arrangement should be made as part of a written contract. (Note that the Act strictly prohibits contingency fees to a lobbyist for the outcome of legislation or to a placement agent for securing an investment from a state retirement board.)
30. Q. Is it permissible to purchase gifts using campaign funds?
- A. Campaign funds may be used to purchase a gift only if the payment is *directly related* to a political, legislative, or governmental purpose. Detailed information on the permissible use of campaign funds may be found in the [campaign disclosure manuals](#). In addition, there are special reporting rules for candidate controlled committees when reporting expenditures for gifts, meals, and travel. (See Question #57 below.)

Communications Questions

31. Q. What are the disclosure requirements for a mass mailing sent by a candidate?
- A. When a candidate sends a mass mailing (more than 200 pieces of the same or similar mail in a calendar month), the words "paid for by" and the name and address of the candidate's committee must appear on the outside of the mailing in no less than six-point type and in a color that contrasts with the background. If two or more candidate controlled committees pay for the mailer, the name and address of at least one of the committees must be shown on the outside and the names and addresses of all committees must appear on at least one insert. The committee ID number is not required to be included, but the FPPC recommends that committees include the committee ID number on all public campaign materials.
32. Q. What information must be included on a mass mailing if it is paid for by an independent expenditure to support or oppose a candidate?
- A. When a mass mailing is paid for by an independent expenditure to support or oppose a candidate, the words "paid for by" and the committee name and address must appear on the outside of the mailing in a color that contrasts with the background. The committee name and "paid for by" disclaimer must appear in no less than 14-point, bold, sans serif type, but the address may appear in no less than six-point type. Committees may combine the display rules and use 14-point, bold, sans serif type for both the committee name and address. The mailing must include the following statement, "[t]his advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office." The statement must be located one-quarter of an inch from the recipient's name and address in a box with a line weight of at least 3.25 pt. The statement must appear in no less than 14-point, bold, sans serif type. Contrasting colors must be used for the background of the ad and the box outline, text and background.
33. Q. Are emails sent by a candidate's committee required to include an advertisement disclaimer statement?
- A. Yes. Mass mailings, including emails, must include a "paid for by" disclaimer (e.g., "Paid for by Jones for Supervisor 2016").
34. Q. How does a committee report payments made to a person to provide favorable or unfavorable content on an Internet site about a candidate or ballot measure?
- A. For each payment of \$100 or more, use the code "WEB" and report the amount of the payment, the payee, the name of the individual providing content, and the website name or URL on which the communication is published in the first instance.
35. Q. Does a candidate or committee incur reporting obligations if an unpaid blogger or other individual endorses his or her candidacy in their Internet communications?
- A. No. Uncompensated Internet activity, including blogging, social networking, sending or forwarding an email, or providing a link to a website, does not trigger a reporting obligation.

36. Q. Does the FPPC have a summary of the requirements for disclaimers on advertisements?

A. Yes, a summary of the requirements, as well as charts for each type of committee are available [here](#).

24-Hour Contribution (Form 497) Report Questions

37. Q. If a contribution of \$1,000 or more is made to one of a candidate's campaign committees (i.e., legal defense, ballot measure, past election), but not to the committee that is formed for the election triggering the 90-day reporting, are the candidate and/or the donor required to file a Form 497?

A. Yes. When a candidate is in a 90-day reporting period, each contribution of \$1,000 or more to any of his or her committees requires the Form 497 to be filed by both the candidate and the donor.

38. Q. During the 90-day reporting period, must a candidate file a Form 497 if a contribution of \$500 is received by one of the candidate's campaign committees (i.e., legal defense, ballot measure, past election) and another contribution of \$500 from the same donor is received by the committee that is formed for the election triggering 90-day reporting?

A. No. Because a single committee did not receive \$1,000 or more, the candidate is not required to file a Form 497. The donor is also not required to file a Form 497 as the donor did not make a contribution of \$1,000 or more to a single committee.

39. Q. A candidate received \$500 from a donor for the special primary election a few days before the election, and another \$500 from the same donor a few days after the primary election when the candidate moved to the special general election. Both contributions were received during the 90 days before the general election. Is a Form 497 required to be filed by the donor and/or the candidate?

A. No. Because \$1,000 or more was not received in connection with one election, the Form 497 is not required to be filed.

40. Q. Must a candidate file a Form 497 if, during the 90 days before the election or on the date of the election, he or she makes a contribution of \$1,000 or more from personal funds to his or her campaign?

A. Yes. The candidate's personal funds are contributions and subject to reporting in the same manner as other contributions received.

41. Q. What are the 24-hour contribution report (Form 497) requirements for contributions received by a political party committee?

A. A political party must report each contribution of \$1,000 or more received within 90 days of any state election or on the date of a state election (including a special election). If the contributor is a committee, the contributor must also file the Form 497 within 24 hours.

Enforcement Question

42. Q. If a campaign statement is filed late, what are the potential consequences?

A. The filing officer with whom the statement is required to be filed may assess a fine of up to \$10 for each day that the statement is late (or up to \$20 per day for a statement and a

copy). In addition, filing officers are required by law to refer non-filers to an enforcement authority. If a matter is referred to the FPPC's Enforcement Division for failure to file, the fine may increase up to a maximum of \$5,000 per violation. In 2015, over 50 committees were fined by the FPPC for failing to timely file campaign statements.

Candidate Questions

43. Q. When may a candidate begin to solicit and raise funds for an election?
- A. Upon filing a Candidate Intention Statement (Form 501), a candidate may begin to solicit and receive contributions. The Form 501 is considered filed when it is personally delivered or placed in the mail to the filing officer.
44. Q. Is a candidate required to file a Form 501 when running for reelection to the same office?
- A. Yes. A separate Form 501 is required for each election, including reelection to the same office.
45. Q. If a candidate does not intend to raise any funds from others and will be spending personal funds only for the filing fee and ballot statement fee, is the candidate required to file a Form 501 and open a campaign bank account?
- A. No, the candidate is not required to file a Form 501 or open a bank account; only the Form 470 (Campaign Statement – Short Form) is required.
46. Q. If a candidate does not intend to raise funds from others, but will be spending \$2,000 or more of his or her personal funds on his or her campaign (in addition to the filing fees and ballot statement fees), is the candidate required to open a bank account?
- A. Yes. Even if a candidate does not raise funds from others, if he or she spends \$2,000 or more on the campaign (not counting personal funds spent on filing fees and ballot statement fees), he or she qualifies as a committee and must open a campaign bank account. Campaign funds may not be commingled with personal funds.
47. Q. What are the rules related to a candidate spending personal funds on his or her own campaign?
- A. Except for payments for the filing fee, ballot statement fee, and \$50 Secretary of State annual committee fee, a candidate must deposit personal funds into the campaign bank account before making campaign expenditures, even if he or she does not want to be reimbursed. Personal funds may be reported as loans or monetary contributions. Personal funds may not be commingled with campaign funds and campaign expenditures may not be made from a personal account.
48. Q. Prior to attending an FPPC webinar and learning that it was not permitted, a candidate starting up his campaign used personal funds to pay for some campaign expenses. How is this reported on the Form 460?
- A. So that the activity is properly disclosed, the amount of personal funds used should be reported on Schedule A as a contribution and the expenditure is reported on Schedule E. If the candidate has not yet been reimbursed by the committee, the amount may be reported on Schedule F as an accrued expense. Non-disclosure of the payments is a

violation of the Act. All future payments must be made from the campaign bank account; personal funds must be deposited into the account before making expenditures.

49. Q. May a campaign worker use personal funds to make campaign expenditures and be reimbursed by the committee?

A. Yes. Anyone other than the candidate may use personal funds to make campaign expenditures, such as purchasing printing, and be reimbursed after providing a receipt or invoice to the campaign. However, if the campaign does not reimburse the individual who made the expenditure within 45 days, the committee must report the amount expended as a nonmonetary contribution received.

50. Q. What are the contribution limits for local elections?

A. The Act does not impose contribution limits on local elections. However, many local jurisdictions have adopted campaign finance ordinances that include contribution limits. Contact the city clerk or county elections office to determine if there are local contribution limits. The FPPC's website also posts local campaign ordinances.

51. Q. If a candidate occasionally uses his or her personal vehicle to attend campaign events and meet with voters, is the use of the vehicle reportable even if the candidate does not want to be reimbursed for the mileage?

A. Incidental use of a candidate's personal vehicle for campaign purposes is not considered a contribution or expenditure and is not reportable. However, if the use of the vehicle is directly related to a political, legislative or governmental purpose, and the candidate would like to be reimbursed by the committee, the reimbursement must be made at the rate approved by the Internal Revenue Service pursuant to Section 162 of the Internal Revenue Code.

52. Q. If a candidate makes long-distance calls using his or her home phone to request support from organizations statewide, may committee funds be used to pay the phone bill?

A. Committee funds may be used for the campaign portion of the bill; however, the non-campaign portion must be paid with personal funds.

53. Q. If a candidate is defeated in a local election, may the leftover funds be used to run again in the next local election?

A. Yes, if specified requirements are met. An unsuccessful candidate who plans to run for the *same office* in a future election must file a new Form 501 and an amended Form 410 before the funds become surplus. Leftover funds become surplus 90 days after an official leaves office (incumbents) or 90 days after the end of the post-election reporting period, whichever is later. The end of the post-election reporting is June 30 for elections held between January 1 and June 30, and December 31 for elections held between July 1 and December 31. (Note: Candidates should check with the local jurisdiction to determine if there is a local ordinance that does not allow a candidate to use the same committee for a future election.)

An unsuccessful candidate who plans to run for a *different office* must file a new Form 501, a new Form 410, and open a new campaign bank account and transfer the funds before the funds become surplus as described above.

54. Q. If a candidate receives a refund for a filing fee after his or her committee has already been terminated, must the committee and bank account be reopened in order to accept the refund?
- A. No. Candidates are allowed to accept refunds from a governmental entity without reopening the committee and campaign bank account.
55. Q. If a candidate controls a ballot measure committee, must the ballot measure committee file a preelection statement when the candidate's committee is required to?
- A. Yes. If a candidate has multiple controlled committees, each of the committees are required to file on the dates the candidate is required to file preelection statements in connection with his or her election to office. (See Regulation 18405.)
56. Q. May a law enforcement officer, who is running for city council, wear his or her uniform at campaign events or when appearing in political advertisements for his or her campaign?
- A. The Political Reform Act does not contain restrictions related to a candidate wearing a law enforcement uniform; however, other laws may apply. The candidate should contact the District Attorney or City Attorney.
57. Q. What are the special reporting requirements for expenditures made by a candidate controlled committee when purchasing gifts, travel, and meals?
- A. Itemized expenditures made by a candidate controlled committee for gifts, meals, or travel, must be further explained in the "Description of Payment" column, whether or not an expenditure code is used, as described below.

Gifts: Briefly describe the political, legislative, or governmental purpose of the expenditure, and provide the date of the gift and a description of the gift. If the gift was made to an individual recipient, the name of the recipient must be included. If a gift was made to a group of recipients, the name of each recipient who received a benefit of \$50 or more is required. When the recipient of a gift with a value of \$50 or more is not known at the time the payment is required to be reported, the committee must report that the gift was for an "undetermined recipient." Once the gift has been given to the recipient, the campaign statement must be amended within 45 calendar days to disclose the name of the recipient.

Meals: Briefly describe the political, legislative, or governmental purpose of the expenditure, and provide the date of the meal, the number of individuals who were present at the meal, and whether the candidate, a member of his or her household, or an individual with authority to approve expenditures of campaign funds was present at the meal. It is not necessary to include the names of individual attendees on the report. However, the names of the attendees must be maintained in the committee's records. For meals reported as an itemized expenditure for travel, the reporting rules below apply.

Travel Payments (including lodging and meals): Briefly describe the political, legislative, or governmental purpose of the expenditure, and provide the date or dates of the travel, the destination, and the goods or services purchased. The description must also include the number of individuals for whom the payment was made and whether the trip included the candidate, a member of his or her household, or an individual with the authority to approve expenditures of campaign funds. The names of individuals who traveled are not required to be disclosed on the report. However, the names of the travelers must be maintained in the committee's records.

6. [CAMPAIGN DISCLOSURE MANUAL 2](#)

FPPC CAMPAIGN DISCLOSURE [MANUAL 2](#)

(Hard Copy Issued by City Clerk)



Forms

VIII. FORMS

1. CAMPAIGN FORMS AND INFORMATION SHEETS

- FPPC [FORM 410](#) Statement of Organization
- FPPC [FORM 460](#) Recipient Committee Campaign Statement
- FPPC [FORM 470](#) Short Form & Supplemental
- FPPC [FORM 496](#) 24-hr Independent Expenditure Report
- FPPC [FORM 497](#) 24-hr Contribution Report
- FPPC [FORM 501](#) Candidate Intention Statement
- FPPC [Limitations and restrictions on Gifts, Honoraria, Travel and Loans](#) Fact Sheet
- FPPC [Newly Adopted, Amended, or Repealed Regulations](#) information

2. ELECTION FORMS *

- NOMINATION PAPER – Issued by City Clerk
- BALLOT DESIGNATION WORKSHEET
- CANDIDATE STATEMENT (template provided by City Clerk on a jump drive)
- CANDIDATE STATEMENT AGREEMENT
- [FORM 700](#) STATEMENT OF ECONOMIC INTERESTS
- CODE OF FAIR CAMPAIGN PRACTICES

*All forms noted here are included in the Candidate Handbook/Packet when issued by City Clerk